

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE**

In Re:)	
)	
INDUSTRIAL FABRICATION & REPAIR,)	Case No. 3:18-30530-SHB
INC.,)	Chapter 11
)	
Debtor & Debtor in Possession.)	
)	

**OBJECTION TO DEBTOR'S MOTION FOR AN ORDER AUTHORIZING DEBTOR-
IN-POSSESSION TO USE CASH COLLATERAL AND FOR EMERGENCY HEARING**

COMES NOW, Southeast Community Capital Corporation d/b/a Pathway Lending ("Pathway"), by and through undersigned counsel, hereby files this Objection to the Motion for an Order Authorizing Debtor-in-Possession to use Cash Collateral and for Emergency Hearing (the "Motion") filed by Industrial Fabrication & Repair, Inc. (the "Debtor") for the use of Pathway's cash collateral. In support of its Objection, Pathway states as follows:

JURISDICTION

1. This Court has jurisdiction over this matter and the parties in interest, properties and interests affected hereby pursuant to 28 U.S.C. § 157(b) and § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A),(M),(N) and (O). Venue is proper before this Court pursuant to 28 U.S.C. § 1408 and § 1409. The statutory and procedural predicates for relief are 11 U.S.C. § 363 and Fed. R. Bankr. P. 4001(b).

BACKGROUND FACTS & OBJECTION

2. On February 27, 2018 (the "Petition Date"), Debtor filed a voluntary petition under Chapter 11 of the Title 11 United States Code (the "Bankruptcy Code").

3. Debtor filed its Motion seeking use of cash collateral which is subject to the perfected security interests of Pathway. The Motion indicated that a copy of the Debtor's current budget ("Budget") will be provided as it becomes available.

4. Counsel for Pathway has requested a copy of the Budget from counsel for the Debtor. Pathway requests that use of cash collateral be conditioned upon review, examination, and approval of the Budget by Pathway.

5. Pathway requests that any interim order authorizing use of cash collateral be limited. Pathway requests that this Court limit or authorize the use of "only that amount of cash collateral as is necessary to avoid immediate and irreparable harm to the estate pending a final hearing" as provided and contemplated under Fed. R. Bankr. P. 4001(b)(2). Thus, to the extent that the Court is inclined to permit the Debtor to use Pathway's Cash Collateral pending a final hearing on the Motion, the Court should narrowly tailor any interim use of Cash Collateral so that it complies with the dictates of Fed. R. Bankr. P. 4001(b)(2).

6. Pathway reserves the right to supplement, amend, and assert additional relief or objections upon hearing on the Motion and a final hearing on the Motion.

WHEREFORE, above premises considered, Southeast Community Capital Corporation d/b/a Pathway Lending prays that:

1. The Debtor be required to account for all Cash Collateral in the Debtor's possession, custody and control;

2. The Debtor be prohibited from using Cash Collateral prior to the approval of a Budget by Pathway, and that the Debtor be required to comply with explicit, limiting conditions for any use of Cash Collateral; and

3. Pathway receive such other and further relief to which it is entitled.

Respectfully submitted,

BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, PC

/s/ R. Spencer Clift, III

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*Attorneys for Southeast Community Capital
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CERTIFICATE OF SERVICE

I, hereby certify that on the 28th day of February, 2018, a copy of the foregoing electronically filed pleading was served via U.S. Mail, postage prepaid or electronic mail upon Ryan E. Jarrard, counsel for the debtor, the U.S. Trustee, and all parties receiving electronic notice.

/s/R. Spencer Clift, III

R. Spencer Clift, III